

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

On April 21, 2008, petitioner, a California prisoner incarcerated at Calipatria State Prison and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He challenges a conviction obtained in the Superior Court of Sacramento County.


1 Imperial County, which, in turn, is located within the venue of the Southern District of
2 California. See 28 U.S.C. § 84(d). Sacramento County, where petitioner was convicted, is
3 located within the venue of the Eastern District of California. See id.

4 When venue is improper, the district court has the discretion to either dismiss the
5 action or transfer it “in the interest of justice.” See 28 U.S.C. § 1406(a). Accordingly, in the
6 interest of justice, the above-titled action is hereby TRANSFERRED to the United States
7 District Court for the Eastern District of California, the district in which Sacramento County,
8 the county wherein petitioner was convicted, is located. In light of the transfer, the Court
9 will defer to the Eastern District with respect to petitioner’s application to proceed in forma
10 pauperis and his motion to stay proceedings in this matter until he has exhausted his state
11 remedies.

12 The Clerk shall close the file and terminate all pending motions on this Court’s
13 docket.

14 IT IS SO ORDERED.

15 DATED: May 2, 2008

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17 MAXINE M. CHESNEY
18 United States District Judge
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